



Attorney's Docket No. 56688 (70904)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. Tadano, et al.

Confirmation No.: 3090

Application No.: 09/990,797

Group: 2878

Filed: November 21, 2001

Examiner: Pyo, Kevin K.

For: FOCAL POINT DISLOCATION DETECTING METHOD AND OPTICAL PICKUP
APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

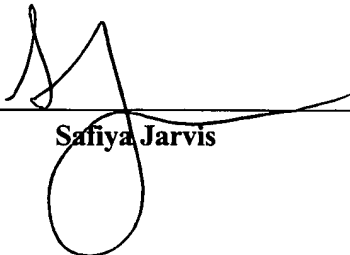
I hereby certify that the attached correspondence comprising:

1. Response to Office Action;
2. Amendment Transmittal; and
3. Return Receipt Postcard.

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 438 992 672 US), and is addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On July 7, 2004


Safiya Jarvis



07-09-04

IFW 2878-

Practitioner's Docket No. 56688 (70904)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------------------|------------------------------------------------------------------------------|----------------------|----------------------|
| In re application of: | H. Tafano, et al. | Confirmation: | 3090 |
| Application No.: | 09/990,797 | Art Unit: | 2878 |
| Filed: | November 21, 2001 | Examiner: | Pyo, Kevin K. |
| For: | FOCAL POINT DISLOCATION DETECTING METHOD AND OPTICAL PICKUP APPARATUS | | |

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment for this application.

STATUS

2.
☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
☒ other than a small entity.

3.

EXTENSION OF TERM

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: *See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.*

4. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|--------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 410.00 | \$ 205.00 |
| <input type="checkbox"/> | three months | \$ 930.00 | \$ 465.00 |
| <input type="checkbox"/> | four months | \$ 1,450.00 | \$ 725.00 |

Fee:

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

[Col. 1] [Col. 2] [Col. 3] Small Entity Other Than a Small Entity

| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Additional Fee | Rate | Additional Fee |
|----------------------------------------------------|------------------------------------|------------------|-----------|----------------------|---------------------|-------------------|
| Total 00 | Minus 24 | =0 | x \$ 9 = | \$ | x \$ 18 = | \$0.00 |
| Indep. 00 | Minus 4 | =0 | x \$ 43 = | \$ | x \$ 86 = | \$0.00 |
| [] First Presentation of Multiple Dependent Claim | | | +\$145 = | | + \$290 = | |
| | | | | Total Addit. Fee: \$ | Total Addit. Fee \$ | |

-
- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required

FEE PAYMENT

6. ☐ Attached is a check in the sum of \$_____ for additional claims.
 ☐ Charge Account No. 04-1105 the sum of \$

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).


7. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Tel. No.(617) 439-4444
Date: July 7, 2004

Customer No. 21,874


SIGNATURE OF PRACTITIONER
William J. Daley, Jr. (Reg. 35,487)
Edwards & Angell, LLP
PO BOX 55874
Boston, MA 02205

BOS2_450690.1



Attorney Docket No. 56,688 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------|-----------------------------------------------------------------------|-----------|---------------|
| APPLICANTS | H. Tadano, et al. | EXAMINER: | Pyo, Kevin K. |
| U.S.S.N.: | 09/990,797 | GROUP: | 2878 |
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Mail Stop Amendment
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P.O. Box 1450
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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail: Express Label No. **EV 438 992 672 US** in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 7, 2004.

By: 
Safiya Jarvis

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RESPONSE TO OFFICE ACTION

Sir:

The following is in response to the Office Action mailed April 7, 2004, in the above referenced application.

Applicants believe that no extension of time is required since this response is being filed before the expiration of the specified time period. Applicants, however, conditionally petition for an extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. As provided below charge Deposit Account No. **04-1105** for any

Applicant: H. Tadano, et al.
U.S.S.N.: 09/990,797
RESPONSE TO OFFICE ACTION
Page 2 of 37

Please amend the above-identified application as follows:

Amendments to Specification begins on page 3 of this paper.

Amendments to the Claims begin on page 15 of this paper.

Remarks begin on page 22 of this paper.